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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,243

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Boris Mayer

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06/04/2009

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3628

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,243	<b>Applicant(s)</b> MAYER ET AL.	
	<b>Examiner</b> AKIBA K. ROBINSON BOYCE	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 3/4/09, the following is a final office action. Claim 12 has been amended. Claims 12-16 are pending in this application and have been examined on the merits. Due to the amendment filed, the previous rejection has been withdrawn, and claims 12-16 are now rejected as follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, (US 20020156645 A1).

As per claim 12, Hansen discloses:

A method for conveying mailpieces using an electronic parcel compartment system with multiple compartments of at least two different sizes, ([0030], a plurality of parcel compartments 8, where Parcel compartment 8 can vary in size, shape, and geometry, and [0060], lines 1-3, when delivering a parcel to a kiosk, system prompts user to choose a size for the compartment)

wherein when a mailpiece is deposited, the electronic parcel compartment system records and/or generates identification information that

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identifies the mailpiece, ([0057], shows when delivering parcel to a kiosk, delivery person enters in tracking id number)

and, during subsequent processing steps of the mailpieces, the identification information is recorded and/or evaluated in a data processing unit that stores transport data, and the identification information is stored in the electronic parcel compartment system and/or in a central data processing unit, wherein the identification information contains monetary information, in the area of the electronic parcel compartment system,([0080], lines 8-12,shows the generated tracking ID number is written to storage within computer 18 or one of the databases, and claim 32 of Hansen shows that tracking ID information comprises at least one of name, address, phone number, e-mail, age, gender, marital status, credit card number, *credit card expiration* date, credit card company name, maiden name, personal identification number, and social security number, parcel number, tracking ID number, delivery company tracking ID number, account number, access number, verification number, kiosk identifier, retailer name, e-tailer name, delivery address, kiosk location, and compartment number)

the method comprising the steps of carrying out a payment checking procedure to confirm the presence of at least one of a monetary amount and monetary information in a predefinable amount, and activating an access possibility for depositing a mailpiece, if the payment checking procedure has confirmed the presence of at least one of said monetary amount and said monetary information, and selecting one of at least two different sized compartments in the parcel compartment system and relating the compartment size to a set of numbers of the recorded identification information,

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([0060], lines 11-14, a size for a compartment must be chosen, where the compartment size can be selected by retrieving size from tracking id number, and claim 32 of Hansen shows that tracking ID information comprises at least one of name, address, phone number, e-mail, age, gender, marital status, credit card number, *credit card expiration* date, credit card company name, maiden name, personal identification number, and social security number, parcel number, tracking ID number, delivery company tracking ID number, account number, access number, verification number, kiosk identifier, retailer name, e-tailer name, delivery address, kiosk location, and compartment number, and therefore, carrying out a payment checking procedure is suggested since checking for the credit card expiration deals with checking if a user can pay with the credit card before a certain date).

and opening the selected compartment of the appropriate size for a set of numbers of a certain price class, [0065], lines 1-3, upon reaching selected compartments, delivery person opens the unlocked door of the selected compartment, in this case, it is suggested that the compartment is for a certain price class since compartment size is first selected, and in the mail art, mailpieces are classified by size).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use a payment checking procedure with the motivation of verifying that the user can pay for the mail services.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to select a compartment according to price class with the motivation of selecting a compartment size corresponding to a certain price range.

As per claim 13, Hansen discloses:

recording the depositing of the mailpiece into the electronic parcel compartment system in a data processing unit that stores transport data, ,([0080], lines 8-12,shows the generated tracking ID number is written to storage within computer 18 or one of the databases).

As per claim 14, Hansen discloses:

comprising the data processing unit that stores transport data sending a digital notification message for picking up the parcel, ([0053], notification can be immediately sent to a customer and indicate an assigned parcel compartment at a particular parcel kiosk, an anticipated delivery date, directions to the kiosk, a contact phone number of delivery company, parcel identification numbers, and the like. This notification can be sent via e-mail, automated voice response, and the like. Further, customers can then be notified of a prescribed amount of time (for instance, one or two weeks--determined for instance by the level of kiosk use, or standard corporate policy) to pick up a parcels at the specified kiosk without incurring further charges).

As per claim 15, Hansen discloses:

wherein at least one of the notification message and the identification information contains information about the transport of the mailpiece, and comprising the setup of effecting the transport of the mailpiece at least partially on the basis of this information, ([0053], notification can be immediately sent to a customer and indicate an assigned parcel compartment at a particular parcel kiosk, an anticipated delivery date, directions to the kiosk, a contact phone number of delivery company, parcel identification numbers, and the like).

As per claim 16, Hansen discloses:

recording the identification code when the mailpiece is deposited and when the mailpiece is removed from the parcel compartment system by a deliverer, ([0057], shows when delivering parcel to a kiosk, delivery person enters in tracking id number, and claim 15 of Hansen shows storing, manipulating and retrieving pertinent information relating to a user and parcel tracking information; issuing at least one identification code specific to at least one of the user and the parcel in determining whether the user may access at least one of the kiosk parcel storage compartments; receiving the at least one identification code at the kiosk computer; permitting access to at least one of the plurality of compartments based on the at least one identification code so that the user can accomplish at least one of authorized delivering and retrieving of the parcel).

***Response to Arguments***

4. Applicant's arguments with respect to claims 12-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

- Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
June 3, 2009

/Akiba K Robinson-Boyce/  
Primary Examiner, Art Unit 3628